

State of California  
California Regional Water Quality Control Board  
Colorado River Basin Region

**MINUTES OF BOARD MEETING**

Thursday, May 19, 2011, 9:00 a.m.  
City of La Quinta  
City Council Chambers  
78-495 Calle Tampico  
La Quinta, CA 92253

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The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by the Chair Ellen Way at 9:47 a.m. on May 19, 2011 at La Quinta, California.

Roll Call (Board Members Only)

**Board Members Present:**

Buford Crites, Tom Davis, Jeff Hays, Red Martinez, Edward Muzik, Ellen Way.  
The Board Secretary stated that a quorum was present.

**Staff Present:**

Jose Angel, Terry Barnes, Mary Castañeda, Kai Dunn, Abdi Haile, Phan Le, Robert Perdue, Logan Raub, Jonathan Rokke, Jennie Snyder, Joan Stormo, Hilda Vasquez, Doug Wylie, Nadim Zeywar.

**Others Present:**

Curtis Aaron, City of Coachella  
Steve Bigley, Coachella Valley Water District  
Curt Duffy, Resident, Yucca Valley  
Richard Harlan, Resident, Yucca Valley  
Robert John, USMC  
Dave Mahaffey, Action Pumping, Inc.  
Ramon Mendoza, MITI  
Lori Herbel, Resident, Yucca Valley  
Jerry Marcotte, Caltrans  
Mike Pollack, Golden State Water Company  
Jaclyn Sarnowski, Marstel Dairy  
Margo Sturges, Yucca Valley  
Tom Vandenberg, State Water Board, Office of the Chief Counsel

## **MINUTES**

1. Minutes of May 19, 2011 Board Meeting

**MOTION:** Buford Crites moved, Tom Davis seconded, and motion carried unanimously that the Minutes be adopted as amended.

## **PUBLIC FORUM**

2. Yucca Valley resident, Ramon Mendoza, discussed septic tank construction materials.

## **UNCONTESTED NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS AND WASTE DISCHARGE REQUIREMENTS**

3. R7-2011-0020 National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for **City of Imperial, Water Pollution Control Plant**, Imperial – Imperial County

**MOTION:** Jeff Hays moved, Ed Muzik seconded, and motion carried unanimously that Order No. R7-2011-0020 be adopted.

4. R7-2011-0029 California Department of Transportation, Owner/Operator **Sunbeam Safety Roadside Rest Area** onsite Wastewater Treatment System, West of El Centro – Imperial County

**MOTION:** Jeff Hays moved, Buford Crites seconded, and motion carried unanimously that Order No. R7-2011-0029 be adopted with errata.

## **ENFORCEMENT (continued from 1/20/2011 Board Hearing)**

5. R7-2011-0012 Administrative Civil Liability Order No. R7-2011-0012 in the matter of **Niland Sanitary District**, Owner/Operator, Municipal Wastewater Treatment Plant, Niland – Imperial County

**MOTION:** This item was pulled from the agenda upon request by the Prosecution Team.

## **RESOLUTIONS**

6. R7-2011-0032 Resolution No. R7-2011-0032 to Adopt the **FY 2011/2012 Emergency, Abandoned, Recalcitrant (EAR) Account Site List**

**MOTION:** Buford Crites moved, Tom Davis seconded, and motion carried unanimously that Order No. R7-2011-0032 be adopted

7. R7-2011-0004 In the Matter of a Proposed Amendment to the Water Quality Control Plan for the **Colorado River Basin Region to Prohibit Septic Tank Discharges** in the Town of Yucca Valley – San Bernardino County

Ed Muzik recused himself from participating in this agenda item, stating for the record that due to his dual roles as a Regional Board Member and General Manager of the Hi-Desert Water District, he will be legally prohibited from participating as a Regional Board Member when the District seeks waste discharge requirements to operate a wastewater treatment system.

Jon Rokke presented the staff report, focusing on discussing the main revisions to the draft amendment staff presented during the Regional Water Board March 2011 Workshop in Town of Yucca Valley, including provisions for exemptions to the prohibition, for enforcement for failure to comply with the prohibition, and for Hi Desert Water District to conduct a study for Phases II and II of the project if it chooses to do so.

The Board then heard testimony from Yucca Valley residents, some of whom shared their concerns about the potential cost to comply with the amendment but expressed overall support for the amendment.

**1st MOTION:** Buford Crites moved, Jeff Hays seconded, and motion carried 5 – 0 (Muzik recused) that the Substitute Environmental Document for Resolution R7-2011-0004 be approved.

**2nd MOTION:** Buford Crites moved, Tom Davis seconded, and motion carried 5 - 0 (Muzik recused) that Resolution No. R7-2011-0004 be adopted with errata and amendments, based on the record to date.

## **OTHER BUSINESS**

8. Informational Update on State Water Resources Control Board Activities — TV

Tom Vandenberg updated the Board via email.

9. Colorado River Basin Water Board Executive Officer's Report — RP

Robert Perdue talked about remodeling the office and invited Board Members to visit. The EO asked Jon Rokke, RB7 staff, to update the Board about ongoing actions being taken by federal, state and county agencies to mitigate environmental impacts from the Western Environmental, Inc. disposal site on Cabazon tribal land near the town of Mecca. Board Member Crites discussed air monitoring results, actions taken by DTSC, and state/tribal permitting issues. Mr. Rokke pointed out the primary compliance authority of USEPA on tribal lands. Mr. Perdue briefly described ongoing negotiations with DOI, DTSC and PG&E concerning the hexavalent chromium groundwater cleanup at the PG&E Topock Compressor Station south of Needles adjacent to the Colorado River. Assistant Executive Officer, Jose Angel, informed the Board that he would be attending drain-shed meetings with the Imperial County Farm Bureau, IID and the farming community.

10. Colorado River Basin Water Board Member Comments

Board Member Ed Muzik complimented AEO Jose Angel, Jon Rokke and Doug Wylie for staff's hard work on the Yucca Valley Basin Plan Amendment. Board Member Buford Crites thanked RB7 staff for the rapid initial report on WEI in Mecca. Board Member Red Martinez described a meeting on New River he attended in El Centro with the AEO.

11. Colorado River Basin Water Board Chair's Report — EW

Chair Ellen Way encouraged visits to the newly remodeled office and looked forward to holding RB7 meetings in the new Board Room.

The Chair discussed pending legislation to alter the overly restrictive conflict of interest rules for Water Board Members, which currently limit persons from the private sector from serving. Board Member Tom Davis mentioned other pending legislation which could alter the makeup of the Boards.

**CLOSED SESSION**

12. At any time during the regular session, the Board may adjourn to meet in closed session to consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence [Authority: Government Code Section 11126(c)(3)]; to discuss significant exposure to litigation [Authority: Government Code Section 11126(e)(2)(B)(i)]; to discuss whether to initiate litigation [Authority: Government Code Section 11126(e)(2)(C)(i)]; or to discuss initiated litigation [Authority: Government Code Section 11126(e)]. Discussion of litigation is within the attorney-client privilege and may be held in closed session [Authority: Government Code Section 11126(e)(2)].

No closed session items were discussed.

**ARRANGEMENTS FOR NEXT BOARD MEETING: Thursday, June 23, 2011, 10:00 a.m., in La Quinta**

**Adjournment: 12:05 p.m.**

**MOTION:** Jeff Hays moved, Ed Muzik seconded. The motion carried unanimously that the meeting be adjourned.